

FILED - USDC -NH
2024 JAN 23 AM 9:04

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

MERRIMACK COUNTY REPUBLICAN COMMITTEE (MCRC) AS REPUBLICAN PRIMARY VOTERS,
ET AL.

PETITIONER(S),

v.

Case No. **24 – cv - 00020**

CHRIS AGER, IN HIS CAPACITY AS CHAIR, NEW HAMPSHIRE REPUBLICAN STATE COMMITTEE,

DAVID SCANLAN, IN HIS CAPACITY AS SECRETARY OF STATE FOR NEW HAMPSHIRE,

RESPONDENT(S).

SECOND EMERGENCY MOTION FOR INJUNCTIVE RELIEF

NOW COMES Republican voters of the New Hampshire Merrimack County Republican Committee (“MCRC”), *et al.* (“Petitioner(s)”), both individually and collectively, and ask this Court a second time to immediately enjoin the New Hampshire Secretary of State to SEQUESTER the votes of the Undeclared Voters from the Republicans-only voters in the upcoming 2024 New Hampshire Republican Presidential Primary on Tuesday, January 23, 2024. Pursuant to Fed. R. Civ. P. 65(b), the Affidavit of Patricia Jorgensen accompanies this Motion.

The Petitioners now ask this Court for an injunction, or at a minimum, an administrative injunction until this emergency motion has been fully adjudicated. This relief is necessary to protect the integrity of the election process from outside election interference. Absent an injunction, the Secretary of State will allow Undeclared Voters to vote in the 2024 New

Hampshire Presidential Primary with the other registered Republican voters, thereby tainting the results before the accompanying Complaint can be fully adjudicated.

In determining whether to grant an injunction this Court considers five basic factors: (1) likelihood of success on the merits; (2) immediate irreparable injury; (3) substantial harm to others; (4) the balance of the equities; and (5) in the public interest. See League of Women Voter of N.C. v. North Carolina, 769 F.3d 224, 236 (4th Cir. 2014).

To summarize the accompanying Complaint, the Secretary of State does not have the authority under N.H. RSA 659:14 to allow Undeclared Voters to participate in the 2024 Republican Presidential Primary. To have such authority, there must be: (1) a Party Rule or Bylaw expressly allowing Undeclared Voters to participate; **and** (2) the Chair of the Party must notify the Secretary of State in writing that such a Party Rule or Bylaw does indeed exist. Compl. at ¶¶ 2 – 5.

Currently, the Party's Bylaws (<https://nh.gop/bylaws/>), the Party's Platform (<https://nh.gop/platform/>), and the State Convention Organization Committee Report (https://nh.gop/organization_report/) **are silent** as to whether the Party has adopted such a rule to authorize Undeclared Voters to vote in the Party's primary. *Id.*

And, the Secretary of State has already acknowledged that the NH SOS does not have in its possession any correspondence from the NHGOP Chair declaring the Party's Primary to be **open** to Undeclared Voters. See Complaint Exhibit B, Right-to-Know reply from Secretary of State David Scanlan to Attorney Norm Silber, dated 10-09-2023. Therefore, the authority for Undeclared Voters to be participating in the 2024 New Hampshire Presidential Primary is a nullity.

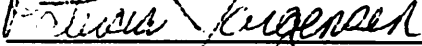
Conclusion

The Petitioners respectfully request that this Court grant an emergency administrative while this motion is pending the full adjudication of this matter.

Respectfully Submitted,

PATRICIA JORGENSEN, *both
individually and as New Hampshire
Merrimack County Republican Committee
(MCRC) Vice-Chair*

Dated: January 23, 2024

By: 
Patricia Jorgensen, *pro se*
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Northfield, New Hampshire
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by electronic means and certified mail to:

David Scanlan, Respondent
Secretary of State
ATTENTION: Brendan Avery O'Donnell
Election Law Unit Chief
New Hampshire Department of Justice
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brendan.a.odonnell@doj.nh.gov
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Chris Ager, Co-Respondent
Chairman, New Hampshire Republican State Committee
ATTENTION: Attorney Bryan K. Gould
c/o CLEVELAND, WATERS, AND BASS, P.A.
2 Capitol Plaza
Concord, NH 03302-1137

Dated: January 23, 2024

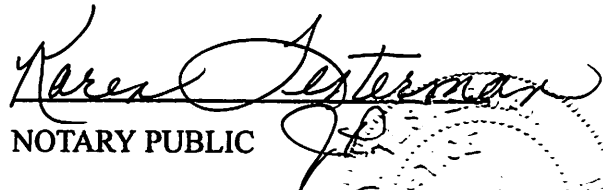
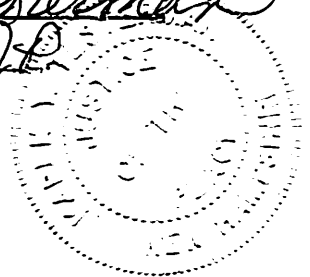

Patricia Jorgensen, *pro se*

AFFIDAVIT

THE STATE OF NEW HAMPSHIRE §
 §
COUNTY OF MERRIMACK §

BE IT REMEMBERED that on this 23rd day of January 2024, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came PATRICIA JORGENSEN, who is personally known to me to be the same person who executed the foregoing Affidavit and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year last.


NOTARY PUBLIC 

My Commission Expires:

2 June 2026

KAREN Y. TESTERMAN
Justice of the Peace - New Hampshire
My Commission Expires June 2, 2026